

Fw: Agenda for 10/27 Hwy 36 Interagency call

to: Scott Downey, Chad Schulze, Erin Williams, Linda Liu Anthony Barber, Joel Wolf

Cc: Harold Rogers

10/26/2011 11:10 PM

[attachment "long-term timeline.pdf" deleted by Scott Downey/R10/USEPA/US] [attachment "short-term project timeline.pdf" deleted by Scott Downey/R10/USEPA/US]

----Forwarded by Linda Liu/R10/USEPA/US on 10/26/2011 11:05PM ----

To: "'borisenko.aaron@deq.state.or.us'" <aaron.n.borisenko@state.or.us>, "'hoatson.scott@deq.state.or.us'" <scott.hoatson@state.or.us>, "'knight.william@deq.state.or.us'" <william.knight@state.or.us>, "'loboy.zach@deq.state.or.us'" <zach.loboy@state.or.us>, Elizabeth Allen/R10/USEPA/US@EPA, "'bermanf@ohsu.edu'" <bermanf@ohsu.edu>, "KNOTTS "POKARNEY Bruce A" <bruce.a.pokarney@state.or.us>, "BAYHAM Chris" <chris.bayham@state.or.us>, "Stone Christine" <christine.l.stone@state.or.us>, "MITCHELL Dale L" <dale.l.mitchell@state.or.us>, "LORENZ Dave C" <dave.c.lorenz@state.or.us>, Sheila Fleming/R10/USEPA/US@EPA, "Shibley Gail R" <gail.r.shibley@state.or.us>, "COOKE Garnet R" <garnet.r.cooke@state.or.us>, "QUEZADA Gloria" <gloria.quezada@state.or.us>, "SMITH Grant S" <grant.s.smith@state.or.us>, "PETTIT Greg" <greg.pettit@state.or.us>, Alan Henning/R10/USEPA/US@EPA, "Douglas Jae P" <jae.p.douglas@state.or.us>, Jed Januch/R10/USEPA/US@EPA, "KHOKHAR Jaspal M" < jaspal.m.khokhar@state.or.us>, "SEEDS Joshua" <joshua.seeds@state.or.us>, "EARLY-ALBERTS Julie" <julie.early-alberts@state.or.us>, "BISHOP Karen" <karen.bishop@state.or.us>, "WICKMAN Kathleen S" <kathleen.s.wickman@state.or.us>, "COBA Katy M" <katy.coba@state.or.us>, Richard Kauffman/R10/USEPA/US@EPA, "'keo1@cdc.gov'" <keo1@cdc.gov>, "WEEKS Kevin" <kevin.weeks@state.or.us>, "HENDERSON Lauren L" <lauren.l.henderson@state.or.us>, "HANSON Lisa R" <lisa.r.hanson@state.or.us>, Linda Liu/R10/USEPA/US@EPA, "ALLEN Marganne" <marganne.allen@state.or.us>, "ODENTHAL Michael L" <michael.l.odenthal@state.or.us>, Kay "JAINDL Raymond G" <raymond.g.jaindl@state.or.us>, "JOSHI Sujata" <sujata.joshi@state.or.us>, "Hudson Todd" <todd.hudson@state.or.us>, Raymond Wu/R10/USEPA/US@EPA

From: "Douglas Jae P" <jae.p.douglas@state.or.us>

Date: 10/26/2011 03:06PM

Subject: Agenda for 10/27 Hwy 36 Interagency call

We have just a few topics to cover tomorrow, but they will undoubtedly each take a fair amount of time. Specifically:

- Review proposed project timelines (attached)
- Update on spray record requests
- Community Involvement plan

Jae P. Douglas, PhD, MSW Principal Investigator 1 Section Manager Research & Education Services Office of Environmental Public Health Oregon Health Authority 800 NE Oregon, Suite 640

Portland, OR 97232 971.673.1139 http://public.health.oregon.gov/PHD/OEPH/RES/Pages/index.aspx



Forest Practice Act Erin Williams to: downey.scott

10/27/2011 11:34 AM

History:

This message has been forwarded.

Here is the link to the Oregon Department of Forestry Forest Practice Administrative Rules and Forest Practices Act CHAPTER 629
Forest Practices Administration

http://www.oregon.gov/ODF/privateforests/docs/guidance/FPArulebk.pdf

This publication includes the text of the Forest Practices Act and the Forest Practice Administrative Rules as they exist on January 1, 2010. Divisions 670 through 680 of the forest practice rules are not included in this publication, but are available as separate publications upon request. The rules in these divisions address civil penalties, appeals from orders of the State Forester, hearings procedure, stay of operations, access to notifications and written plans, regional forest practice committees, and the resource site inventory and protection process. The Secretary of State publishes the official administrative rules. The rules and statutes are also available on the Oregon Department of Forestry's website at: http://egov.oregon.gov/ODF/ as well as the Oregon Secretary of State's website at http://ercweb.sos.state.or.us/rules/alpha_index.html. See Department of Forestry, Chapter 629, Division 600-680, and the Oregon State Legislature at http://www.leg.state.or.us/ors/home.htm. See Chapter 527.

DIVISION 600 DEFINITIONS 629-600-0100 Definitions

As used in OAR chapter 629, divisions 605 through 669 and divisions 680 through 699, unless otherwise required by context:

(48) "Operator" means any person, including a landowner or timber owner, who conducts an operation.

DIVISION 620

CHEMICAL AND OTHER PETROLEUM PRODUCT RULES 629-620-0600

Daily Records of Chemical Applications

- (1) Whenever pesticides are aerially applied or applied using a pressurized, ground-based, broadcast application
- system on forestland, the operator shall maintain a daily record of application operations which includes:
- (a) The legal description of the location of the operation area actually treated with chemicals;
- (b) The acreage actually treated with chemicals;
- (c) Brand name or EPA registration number of the chemicals used, the carrier used, and the application rate;
- (d) Date and time of application;
- (e) Air temperature, to be measured within the operation area and recorded at least hourly for aerial applications and at least at the beginning and end of each day's application for ground applications;
- (f) Relative humidity, to be measured within the operation area and recorded at least hourly for aerial applications and at least at the beginning and end of each day's application for ground applications;
- (g) Wind velocity and direction, to be measured within the operation area and recorded at least hourly for

aerial applications and at least at the beginning and end of each day's application for ground applications;

(h) The name of the person making the application, including the contractor's name and pilot's name when applied aerially, or the contractor's name and/or employee's name for ground application.

(2) Whenever pesticides are applied on forestland using methods other than those described in section

(1) of this

rule, the operator shall maintain a daily record of all information listed in subsections (a), (b), (c), (d), and (h)

of section (1).

(3) Whenever fertilizers are applied on forestland, the operator shall maintain a record of all information listed in

subsections (a), (b), (d), and (h) of section (1) of this rule and shall also record the application rate and the formulation used.

(4) The records required in sections (1), (2) and (3) of this rule shall be maintained by the operator for three years

from the date of application and be made available at the request of the State Forester.

This doesn't really give much so far but it does say that the operator is responsible for maintaining the records. I will keep looking around to see if I can find more detailed information on this or any timelines on how long they have to release the records once a request has been made.

I hope this helps. Feel free to forward to others.

Erin Williams (Formerly Halbert) Section 7 Coordinator Pesticides and Toxics Unit Office of Compliance and Enforcement williams.erin@epa.gov (206) 553-4627

I recently changed my name and have a new email. Please email me at:

williams.erin@epa.gov

Thanks!



Community Open House Planning: Highway 36

Elizabeth Allen, bermanf@ohsu.edu,

BISHOP Karen to: borisenko.aaron@deq.state.or.us, KNOTTS

Bradley A, BOLING Brian, DonaldM Brown,

10/27/2011 11:43 AM

History:

This message has been replied to and forwarded.

[attachment "Nov. 18 Open House outline.docx" deleted by Scott Downey/R10/USEPA/US]

Hi everyone,

I've attached an outline for the planned November 18th Open House. Please provide feedback on who will most likely be attending from your agency, and what you can provide in terms of information, logistical help and materials. Being only two weeks away means we need to move quickly. Richard Kauffman and I are committed to planning - are there others who would like to participate on what I'm now going to call the 'planning committee' for this event? Let me know and we can include you in our regular discussions.

Thanks all, Karen



Re: Fw: Community Open House Planning: Highway 36 🗎

Alan Henning to: Scott Downey

Cc: Elizabeth Allen, Kay Morrison, Sheila Fleming

History:

This message has been replied to.

You bet. I will plan on being there,

Alan

Alan Henning, R.S.
Environmental Protection Specialist
Watershed Unit,
Office of Waters and Watershed, EPA Region 10
165 East 7th Avenue, Suite 100
Eugene, Oregon 97401
541-687-7360
Henning.Alan@epa.gov

Scott Downey

Alan - would you be able to cover this for EPA? ...

10/27/2011 01:27:45 PM

10/27/2011 02:45 PM

From:

Scott Downey/R10/USEPA/US

To:

Alan Henning/R10/USEPA/US@EPA

Cc:

Kay Morrison/R10/USEPA/US@EPA, Sheila Fleming/R10/USEPA/US@EPA, Elizabeth

Allen/R10/USEPA/US@EPA

Date:

10/27/2011 01:27 PM

Subject:

Fw: Community Open House Planning: Highway 36

Alan - would you be able to cover this for EPA? It will basically be sitting at a table and answering questions people have about the exposure investigation. This will take place <u>before</u> the bio and enviro samplings results are in.

Scott Downey, Manager Pesticides and Toxics Unit US EPA Region 10 1200 6th Ave, Suite 900, OCE-084 Seattle, WA 98101-3140 (206) 553-0682

---- Forwarded by Scott Downey/R10/USEPA/US on 10/27/2011 01:24 PM -----

From:

"BISHOP Karen" <karen.bishop@state.or.us>

To:

Elizabeth Allen/R10/USEPA/US@EPA, "bermanf@ohsu.edu"

"borisenko.aaron@deq.state.or.us" <aaron.n.borisenko@state.or.us>, "KNOTTS Bradley A"

EARLY-ALBERTS" <julie.early-alberts@state.or.us>, "Karen BISHOP" <karen.bishop@state.or.us>, "Kathleen S Wickman" <kathleen.s.wickman@state.or.us>, "Katy Coba" <katy.coba@state.or.us>, Richard Kauffman/R10/USEPA/US@EPA, "keo1@cdc.gov" <keo1@cdc.gov>, "WEEKS Kevin" <kevin.weeks@state.or.us>, "knight.william@deq.state.or.us" <wiliam.knight@state.or.us>, "KARAM Lauren" <lauren.karam@state.or.us>, "Lauren Henderson" <lauren.l.henderson@state.or.us>, "Lisa R Hanson" lisa.r.hanson@state.or.us>, Linda Liu/R10/USEPA/US@EPA, "loboy.zach@deq.state.or.us" <zach.loboy@state.or.us>, "ALLEN Marganne" <marganne.allen@state.or.us>, "Michael Odenthal" <michael.l.odenthal@state.or.us>, Kay Morrison/R10/USEPA/US@EPA, "DAUGHERTY Peter" <peter.daugherty@state.or.us>, "Raymond G Jaindl" <raymond.g.jaindl@state.or.us>, Chad Schulze/R10/USEPA/US@EPA, "Daniel Sudakin, MD, MPH" <sudakind@ace.orst.edu>, "Sujata JOSHI" <sujata.joshi@state.or.us>, Raymond Wu/R10/USEPA/US@EPA

Date:

10/27/2011 11:43 AM

Subject:

Community Open House Planning: Highway 36

Hi everyone,

I've attached an outline for the planned November 18th Open House. Please provide feedback on who will most likely be attending from your agency, and what you can provide in terms of information, logistical help and materials. Being only two weeks away means we need to move quickly. Richard Kauffman and I are committed to planning - are there others who would like to participate on what I'm now going to call the 'planning committee' for this event? Let me know and we can include you in our regular discussions.

Thanks all, Karen

[attachment "Nov. 18 Open House outline.docx" deleted by Alan Henning/R10/USEPA/US]



Re: Community Open House Planning: Highway 36

Scott Downey to: BISHOP Karen Cc: Alan Henning, Sheila Fleming

10/27/2011 04:32 PM

Karen - Alan Henning said he could represent EPA. Elizabeth Allen may attend too, but we're not sure yet

Scott Downey, Manager Pesticides and Toxics Unit US EPA Region 10 1200 6th Ave, Suite 900, OCE-084 Seattle, WA 98101-3140 (206) 553-0682

"BISHOP Karen"

Hi everyone, I've attached an outline for the plan... 10/27/2011 11:43:27 AM

From: To:

"BISHOP Karen" <karen.bishop@state.or.us>

Elizabeth Allen/R10/USEPA/US@EPA, "bermanf@ohsu.edu" <bermanf@ohsu.edu>, "borisenko.aaron@deq.state.or.us" <aaron.n.borisenko@state.or.us>, "KNOTTS Bradley A"

FARRER" <david.g.farrer@state.or.us>, "'Dale Mitchel" <dmitchel@oda.state.or.us>, Scott Downey/R10/USEPA/US@EPA, Sheila Fleming/R10/USEPA/US@EPA, "Gail R SHIBLEY" <gail.r.shibley@state.or.us>, "COOKE Garnet R" <garnet.r.cooke@state.or.us>, "Gloria Quezada" <gloria.guezada@state.or.us>, "SMITH Grant S" <grant.s.smith@state.or.us>, "PETTIT Greg"

<greg.pettit@state.or.us>, Alan Henning/R10/USEPA/US@EPA, "hoatson.scott@deg.state.or.us" <scott.hoatson@state.or.us>, "Jae P DOUGLAS" <jae.p.douglas@state.or.us>, Jed Januch/R10/USEPA/US@EPA, "Jaspal M Khokhar" < jaspal.m.khokhar@state.or.us>, "Jeff

Jenkins" <jenkinsj@ace.orst.edu>, "SEEDS Joshua" <joshua.seeds@state.or.us>, "Julie EARLY-ALBERTS" <julie.early-alberts@state.or.us>, "Karen BISHOP" <karen.bishop@state.or.us>, "Kathleen S Wickman" <kathleen.s.wickman@state.or.us>, "Katy Coba" <katy.coba@state.or.us>, Richard Kauffman/R10/USEPA/US@EPA, "keo1@cdc.gov" <keo1@cdc.gov>, "WEEKS Kevin" <kevin.weeks@state.or.us>, "knight.william@deq.state.or.us" <william.knight@state.or.us>, "KARAM Lauren" <lauren.karam@state.or.us>, "Lauren Henderson" Liu/R10/USEPA/US@EPA, "loboy.zach@deq.state.or.us" <zach.loboy@state.or.us>, "ALLEN

Marganne" <marganne.allen@state.or.us>, "Michael Odenthal" <michael.l.odenthal@state.or.us>, "Raymond G Jaindl" <raymond.g.jaindl@state.or.us>, Chad Schulze/R10/USEPA/US@EPA,

"Daniel Sudakin, MD, MPH" <sudakind@ace.orst.edu>, "Sujata JOSHI" <sujata.joshi@state.or.us>, Raymond Wu/R10/USEPA/US@EPA

Date: Subject: 10/27/2011 11:43 AM

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Thanks all,

Karen

[attachment "Nov. 18 Open House outline.docx" deleted by Scott Downey/R10/USEPA/US]

Re: Fw: Forest Practice Act - application records

Elizabeth Allen to: Scott Downey

10/28/2011 08:38 AM

Cc: Alan Henning, Anthony Barber, Erin Williams, Jill Bloom, Kay Morrison, Linda Liu, Sheila Fleming, Theresa Blaine

"However, ODF has viewed the intention of the rule to be that the records would be requested only on an ad hoc basis as needed for specific ODF and/or multi-agency investigations."

"Typically, ODF requests the records only when the records are needed for an investigation into whether the applicator has complied with regulations administered by ODF, or by ODA or other PARC member agencies."

This has been a multi-agency investigation from the beginning, and an official PARC investigation at least since early spring, when OHA first indicated they wanted spray records. My notes indicate that the governor's office designated OHA as the lead state agency in the investigation back in May. However, in May, Dale Mitchell pointed refused Jae Douglas' request for the applications records, and the stated purpose for that refusal was that he did not want to have the records available to the Triangle Lake residents, or more specifically Day Owen and the Pitchfork Rebellion. How many times has Jae had to take that issue to the governor's office?

Is there something in the PARC process that would require OHA to have to formally request, in writing, that ODA/ODF request application records pursuant to an official PARC investigation, other than providing cover such that ODA/ODF can tell the timber companies that they sure hate to have to be asking for those pesky records, but they now have no choice? Hard to believe that six months after all the actual investigators said we wanted to know whether atrazine and 2,4-D were actually sprayed in the Triangle Lake area immediately prior to the second round of samples submitted to Dana Barr, we don't appear any closer to knowing that answer.

Elizabeth

Scott Downey

thanks for the speedy response Erin! Tony and...

10/27/2011 01:08:51 PM

From:

Scott Downey/R10/USEPA/US

To:

Sheila Fleming/R10/USEPA/US@EPA, Elizabeth Allen/R10/USEPA/US@EPA, Kay Morrison/R10/USEPA/US@EPA, Anthony Barber/R10/USEPA/US@EPA, Alan Henning/R10/USEPA/US@EPA, Linda Liu/R10/USEPA/US@EPA, Theresa Blaine/R10/USEPA/US@EPA, Jill Bloom/DC/USEPA/US@EPA, Erin

Williams/R10/USEPA/US@EPA

Date:

10/27/2011 01:08 PM

Subject:

Fw: Forest Practice Act - application records

thanks for the speedy response Erin!

Tony and others not in my office for the call - we were having an offline discussion about the record requirements. The record-keeping requirements that Dale Mitchell from ODA mentioned are under ODA rules. There are separate records required specifically for forest applications that were not mentioned so Erin looked them up here.

I'm attaching the white paper that ODF shared on the subject several months ago when the issue first came up.

[attachment "ODF Pesticide Operation Data Description.pdf" deleted by Elizabeth Allen/R10/USEPA/US]

---- Forwarded by Scott Downey/R10/USEPA/US on 10/27/2011 12:51 PM -----

From:

Erin Williams/R10/USEPA/US

To: Date: downey.scott@epa.gov 10/27/2011 11:34 AM

Subject:

Forest Practice Act

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629-620-0600

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- of section (1).
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I hope this helps. Feel free to forward to others.

Erin Williams
(Formerly Halbert)
Section 7 Coordinator
Pesticides and Toxics Unit
Office of Compliance and Enforcement
williams.erin@epa.gov
(206) 553-4627

I recently changed my name and have a new email. Please email me at:

williams.erin@epa.gov

Thanks!

OHA Application Records Request Scott Downey to: Jae.P.DOUGLAS

Cc: Sheila Fleming

10/28/2011 11:39 AM

Hi Jae - can you share a copy of the letter sent to ODF for the records? We could provide input to you on EPA needs for the data which may help you narrow down the scope of the request. Thanks, Scott

Scott Downey, Manager Pesticides and Toxics Unit US EPA Region 10 1200 6th Ave, Suite 900, OCE-084 Seattle, WA 98101-3140 (206) 553-0682